

## Message Text

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ACTION AEC-07

INFO OCT-01 EUR-12 ISO-00 OES-04 L-02 FEA-01 ACDA-10

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R 121057Z NOV 74

FM AMEMBASSY BONN

TO SECSTATE WASHDC 6191

INFO USMISSION USBERLIN

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US BER FOR AMBASSADOR

E. O. 11652: N/A

TAGS: TECH, GW

SUBJECT: US/FRG AGREEMENT FOR COOPERATION IN  
MANAGEMENT OF RADIOACTIVE WASTES

REF: (A) BONN 16730, (B) STATE 225256

1. SUMMARY: FRG FEDERAL MINISTRY OF RESEARCH AND  
TECHNOLOGY (FMRT) SENT EMBASSY ENGLISH TEXT OF SUBJECT  
AGREEMENT WHICH HAS BEEN APPROVED FOR SIGNATURE BY  
MINISTER MATTHOEFER AS SOON AS CONSULTATIONS WITH EC  
HAVE BEEN COMPLETED. FMRT OFFICIALS ESTIMATE THIS STEP  
MAY TAKE ADDITIONAL TWO WEEKS. EMBASSY CABLING FULL  
ENGLISH TEXT BELOW. REQUEST AUTHORIZATION FOR SIGNATURE  
BY AMBASSADOR ON BEHALF OF AEC (SEE REF B). FRG  
WASHINGTON EMBASSY HAS FULL GERMAN-LANGUAGE TEXT FOR  
COMPARISON. END SUMMARY.

2. TEXT OF AGREEMENT FOLLOWS:

TECHNICAL EXCHANGE AND COOPERATIVE ARRANGEMENT  
BETWEEN

THE UNITED STATES ATOMIC ENERGY COMMISSION

AND

THE FEDERAL MINISTRY FOR RESEARCH AND TECHNOLOGY

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OF THE FEDERAL REPUBLIC OF GERMANY

IN THE FIELD OF MANAGEMENT OF RADIOACTIVE WASTES.

THE UNITED STATES ATOMIC ENERGY COMMISSION (AEC) AND  
THE FEDERAL MINISTRY OF RESEARCH AND TECHNOLOGY (FMRT)  
OF THE FEDERAL REPUBLIC OF GERMANY , HAVING A  
MUTUAL INTEREST IN COOPERATION IN THE FIELD OF  
MANAGEMENT OF RADIOACTIVE WASTES HEREBY  
AGREE AS FOLLOWS:

1. THE SUBJECTS OF COOPERATION ARE DEFINED IN  
APPENDIX "A", AND CAN BE MODIFIED OR EXPANDED,  
AS MAY BE MUTUALLY AGREED.
2. BOTH PARTIES WILL MAKE AVAILABLE TO EACH OTHER  
INFORMATION IN THE FIELD OF RADIOACTIVE WASTE  
MANAGEMENT WHICH THEY HAVE THE RIGHT TO  
DISCLOSE, EITHER IN THEIR POSSESSION OR  
AVAILABLE TO THEM, FROM THE TECHNICAL AREAS  
DESCRIBED IN APPENDIX "A".
3. THE INFORMATION EXCHANGE WILL BE RECIPROCAL  
(BALANCED) AND WILL BE IN THE FORM OF  
TECHNICAL REPORTS, EXPERIMENTAL DATA,  
CORRESPONDENCE, VISITS, JOINT EXPERTS' MEETINGS,  
AND SUCH OTHER MEANS AS THE PARTIES AGREE.
4. THE EXECUTION OF JOINT PROGRAMS AND PROJECTS,  
OR THOSE PROGRAMS AND PROJECTS UNDER WHICH  
ACTIVITIES ARE DIVIDED BETWEEN BOTH PARTIES,  
INCLUDING THE USE OF TEST FACILITIES AND/OR  
COMPUTER PROGRAMS OWNED BY EITHER PARTY, WILL  
BE AGREED UPON ON A CASE-BY-CASE BASIS. LONG-  
TERM ASSIGNMENTS OF PERSONNEL CAN BE  
ACCOMMODATED ON THE SAME BASIS.
5. IN GENERAL, INFORMATION RECEIVED PURSUANT TO  
THIS ARRANGEMENT MAY BE DISSEMINATED FREELY  
IN THE COUNTRY OF THE RECIPIENT. HOWEVER,  
PRIVILEGED (PRIVATE, PROPRIETARY, COMPANY  
CONFIDENTIAL) INFORMATION RECEIVED BY EITHER

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PARTY UNDER THIS ARRANGEMENT AND BEARING A  
RESTRICTIVE DESIGNATION MAY NOT, EXCEPT AS  
MAY BE REQUIRED BY THE LAWS OF THE RESPECTIVE  
PARTY, BE PUBLICLY DISSEMINATED BY THE  
RECEIVING PARTY WITHOUT THE PRIOR WRITTEN  
CONSENT OF THE TRANSMITTING PARTY, BUT SUCH  
INFORMATION MAY BE DISSEMINATED AS FOLLOWS:  
(A) TO PERSONS WITHIN OR EMPLOYED DIRECTLY

BY THE RECIPIENT, AND TO OTHER  
CONCERNED GOVERNMENT AGENCIES.

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(B) TO PRIME OR SUB-CONTRACTORS OF THE  
RECIPIENT PARTY FOR USE ONLY WITHIN THE  
FRAMEWORK OF ITS CONTRACT(S) WITH THE  
RESPECTIVE PARTIES ENGAGED IN WORK  
RELATING TO THE SUBJECT MATTER OF THE  
INFORMATION SO DISSEMINATED;

PROVIDED THAT PRIVILEGED INFORMATION  
DISSEMINATED TO ANY PERSON UNDER SUB-  
PARAGRAPHS (A) AND (B) ABOVE BEAR THE MARKING  
"NOT FOR DISSEMINATION OUTSIDE RECIPIENT'S  
ORGANIZATION WITHOUT PRIOR WRITTEN APPROVAL OF  
THE (AEC OR FMRT)". EACH PARTY WILL  
USE ITS BEST EFFORTS TO ENSURE THAT THE  
DISSEMINATION OF PRIVILEGED INFORMATION  
RECEIVED UNDER THIS ARRANGEMENT IS CONTROLLED  
AS PRESCRIBED HEREIN.

6. THE INFORMATION EXCHANGED UNDER THIS  
ARRANGEMENT SHALL BE SUBJECT TO THE PATENT  
PROVISIONS IN THE PATENT ADDENDUM TO THIS  
DOCUMENT.

7. A COORDINATOR WILL BE DESIGNATED BY EACH PARTY,

WHO WILL DEVELOP AND CONTROL THE ARRANGEMENTS  
AND PROCEDURES FOR IMPLEMENTING THE COOPERATION,  
IN PARTICULAR THE EFFECTIVE EXCHANGE OF  
INFORMATION UNDER THIS ARRANGEMENT.

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APPROXIMATELY ANNUALLY, THE COORDINATORS WILL  
ORGANIZE JOINT WORKING SESSIONS AT WHICH THE  
ACHIEVEMENTS, PROBLEMS, EFFECTIVENESS, FUTURE  
PROGRAMS, ETC., WILL BE DISCUSSED WITH THE  
OBJECTIVE OF IMPROVING THE COOPERATION.

8. THE APPLICATION OR USE OF ANY INFORMATION  
EXCHANGED OR TRANSFERRED BETWEEN THE PARTIES  
UNDER THIS ARRANGEMENT SHALL BE THE  
RESPONSIBILITY OF THE PARTY RECEIVING IT, AND  
THE TRANSMITTING PARTY DOES NOT WARRANT THE  
SUITABILITY OF SUCH INFORMATION FOR ANY  
PARTICULAR USE OR APPLICATION.

9. EACH PARTY WILL BE PREPARED TO THE BEST OF ITS  
ABILITY, UPON SPECIFIC REQUEST, TO ADVISE THE  
OTHER ON PARTICULAR QUESTIONS INVOLVING THE  
TOPICS OF THIS ARRANGEMENT.

10. IT IS THE INTENT OF BOTH PARTIES TO ASSURE THAT  
A REASONABLY BALANCED EXCHANGE IS ACHIEVED AND  
MAINTAINED.

11. IT IS UNDERSTOOD THAT THE ABILITY OF THE PARTIES  
TO CARRY OUT THEIR OBLIGATIONS IS SUBJECT TO THE  
AVAILABILITY OF APPROPRIATED FUNDS.

12. NO PROVISION HAS BEEN MADE FOR RECIPROCAL COST  
REIMBURSEMENT BETWEEN THE PARTIES. BOTH PARTIES  
SHALL BEAR THE COSTS INCURRED IN THEIR AREA OF  
COMPETENCE, INCLUDING TRAVEL EXPENSES AND  
SUBSISTENCE ALLOWANCES FOR THEIR STAFF MEMBERS  
AND TRANSPORT COSTS FOR APPARATUSES AND OTHER  
EQUIPMENT TRANSPORTED UNDER THE COOPERATION  
PROGRAM INTO THE TERRITORY OF THE OTHER PARTY IN  
EACH CASE.

13. THIS ARRANGEMENT SHALL ALSO APPLY TO LAND BERLIN,  
PROVIDED THAT THE GOVERNMENT OF THE FEDERAL  
REPUBLIC OF GERMANY HAS NOT MADE A CONTRARY  
DECLARATION TO THE GOVERNMENT OF THE UNITED

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STATES OF AMERICA WITHIN THREE MONTHS FROM THE  
DATE OF ENTRY INTO FORCE OF THIS ARRANGEMENT.

14. THIS ARRANGEMENT SHALL REMAIN IN OPERATION FOR  
FIVE (5) YEARS AFTER ITS EFFECTIVE DATE AND MAY  
BE EXTENDED BY MUTUAL AGREEMENT. HOWEVER, THE  
ARRANGEMENT MAY BE TERMINATED AT ANY TIME, AT THE  
DISCRETION OF EITHER PARTY, UPON SIX MONTHS'  
ADVANCE WRITTEN NOTIFICATION BY THE PARTY SEEKING  
TO TERMINATE, TO THE OTHER PARTY.

15. THIS ARRANGEMENT SHALL ENTER INTO FORCE ON THE  
DATE OF SIGNATURE.

DONE AT ..... IN DUPLICATE IN THE ENGLISH AND  
GERMAN LANGUAGES, EACH EQUALLY AUTHENTIC, THIS .....

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TO SECSTATE WASHDC 6193  
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FOR THE UNITED STATES THE FEDERAL MINISTER FOR  
ATOMIC ENERGY COMMISSION RESEARCH AND TECHNOLOGY OF  
THE FEDERAL REPUBLIC OF  
GERMANY

PATENT ADDENDUM

A. WITH RESPECT TO ANY INVENTION OR DISCOVERY MADE OR CONCEIVED DURING THE PERIOD OF, AND IN THE COURSE OF OR UNDER, THIS TECHNICAL EXCHANGE AND COOPERATIVE ARRANGEMENT ON RADIO-ACTIVE WASTE MANAGEMENT BETWEEN THE U.S. ATOMIC ENERGY COMMISSION (AEC) AND THE FEDERAL MINISTRY FOR RESEARCH AND TECHNOLOGY (FMRT) OF THE FEDERAL REPUBLIC OF GERMANY:

(1) IF MADE OR CONCEIVED BY PERSONNEL OF ONE PARTY (THE ASSIGNING PARTY) OR ITS CONTRACTORS WHILE ASSIGNED TO THE OTHER PARTY (RECIPIENT PARTY) OR ITS CONTRACTORS:

A) THE RECIPIENT PARTY SHALL ACQUIRE ALL RIGHT, TITLE, AND INTEREST IN AND TO ANY SUCH INVENTION, DISCOVERY, PATENT APPLICATION OR PATENT IN ITS OWN COUNTRY AND IN THIRD COUNTRIES, SUBJECT TO A NON-EXCLUSIVE, IRREVOCABLE, ROYALTY-FREE LICENSE TO THE ASSIGNING PARTY, WITH THE RIGHT TO GRANT

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SUBLICENSES, UNDER ANY SUCH INVENTION, DISCOVERY, PATENT APPLICATION OR PATENT FOR USE IN THE PRODUCTION OR UTILIZATION OF SPECIAL NUCLEAR MATERIAL OR ATOMIC ENERGY; AND

B) THE ASSIGNING PARTY SHALL ACQUIRE ALL RIGHT, TITLE, AND INTEREST IN AND TO ANY SUCH INVENTION, DISCOVERY, PATENT APPLICATION, OR PATENT IN ITS OWN COUNTRY, SUBJECT TO A NON-EXCLUSIVE, IRREVOCABLE, ROYALTY-FREE LICENSE TO THE RECIPIENT PARTY, WITH THE RIGHT TO GRANT SUBLICENSES, UNDER ANY SUCH INVENTION, DISCOVERY, PATENT APPLICATION OR PATENT, FOR USE IN THE PRODUCTION OR UTILIZATION OF SPECIAL NUCLEAR MATERIAL OR ATOMIC ENERGY.

(2) IF MADE OR CONCEIVED WHILE IN ATTENDANCE AT MEETINGS OR WHEN EMPLOYING INFORMATION WHICH HAS BEEN COMMUNICATED UNDER THIS EXCHANGE ARRANGEMENT BY ONE PARTY OR ITS CONTRACTORS TO THE OTHER PARTY OR ITS CONTRACTORS, THE PARTY MAKING THE INVENTION SHALL ACQUIRE ALL RIGHT, TITLE, AND INTEREST IN AND TO ANY SUCH INVENTION, DISCOVERY, PATENT APPLICATION OR PATENT IN ALL COUNTRIES, SUBJECT TO THE GRANT TO THE OTHER PARTY OF A ROYALTY-FREE,

NON-EXCLUSIVE, IRREVOCABLE LICENSE, WITH THE  
RIGHT TO GRANT SUBLICENSES, IN AND TO ANY SUCH  
INVENTION, DISCOVERY, PATENT APPLICATION, OR  
PATENT, IN ALL COUNTRIES, FOR USE IN THE  
PRODUCTION OR UTILIZATION OF SPECIAL NUCLEAR  
MATERIAL OR ATOMIC ENERGY.

(3) IT IS UNDERSTOOD THAT AFTER THE EUROPEAN PATENT  
CONVENTIONS (UEBEREINKOMMEH UEBER DIE ERTEILUNG  
EUROPAEISCHER PATENTE, UEBEREINKOMMEN UEBER DAS  
EUROPAEISCHE PATENT FUER DEN GEMEINSAMEN MARKT)  
HAVE COME INTO FORCE EITHER PARTY MAY REQUEST  
A MODIFICATION OF THIS PARAGRAPH A FOR THE  
PURPOSE OF ACCORDING EQUIVALENT RIGHTS AS  
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PROVIDED IN SUBPARAGRAPHS 1 AND 2 ABOVE UNDER  
THE EUROPEAN PATENT CONVENTIONS.

B. NEITHER PARTY SHALL DISCRIMINATE AGAINST CITIZENS OF  
THE COUNTRY OF THE OTHER PARTY WITH RESPECT TO  
GRANTING ANY LICENSE OR SUBLICENSE UNDER ANY  
INVENTION PURSUANT TO SUB-PARAGRAPHS A (1) AND A (2)  
ABOVE. IT IS UNDERSTOOD THAT THE LICENSING POLICIES  
AND PRACTICES OF EACH PARTY CAN BE AFFECTED BECAUSE  
OF THE RIGHTS OF BOTH PARTIES TO GRANT LICENSES  
WITHIN A SINGLE JURISDICTION. ACCORDINGLY, EITHER  
PARTY MAY REQUEST, IN REGARD TO A SINGLE INVENTION OR  
CLASS OF INVENTIONS, THAT THE PARTIES CONSULT IN AN  
EFFORT TO LESSEN OR ELIMINATE ANY DETRIMENTAL EFFECT  
THAT THE PARALLEL LICENSING AUTHORITIES MAY HAVE ON THE

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POLICIES AND PRACTICES OF THE PARTIES.

C. EACH PARTY WAIVES ANY AND ALL CLAIMS AGAINST THE OTHER PARTY FOR COMPENSATION, ROYALTY OR AWARD AS REGARDS ANY INVENTIONS OR DISCOVERY, PATENT APPLICATION, OR PATENT MADE OR CONCEIVED UNDER THIS ARRANGEMENT AND RELEASES THE OTHER PARTY WITH RESPECT TO ANY AND ALL SUCH CLAIMS, INCLUDING ANY CLAIMS UNDER THE PROVISIONS OF THE US ATOMIC ENERGY ACT OF 1954, AS AMENDED, AND THE GERMAN LABOR LAW (ARBEITNEHMERERFINDERGESETZ) OF JULY 25 ' 1957 (BGBL. 1957, PART I, PAGE 756), AS AMENDED, AND THE FMRT ASSUMES THE OBLIGATION UNDER THE SAID GERMAN LAW FOR USE BY OR ON BEHALF OF AEC.

APPENDIX "A)

TECHNICAL SCOPE

AEC-FMRT RADIOACTIVE WASTE MANAGEMENT EXCHANGES

1. DISPOSAL OF RADIOACTIVE WASTE IN SALT DEPOSITS
  - A. FACILITY DESIGN AND OPERATION, INCLUDING DATA ON CONTAMINATION OF SALT
  - B. HEAT GENERATION AND DISSIPATION
  - C. ROCK MECHANICS STUDIES
  - D. SAFETY CONSIDERATION AND CLEANLINESS STANDARDS FOR CASKS
  - E. GEOLOGY AND HYDROLOGY

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F.WASTE PRODUCT CRITERIA

G. SITE CRITERIA

H. COST EVALUATION

I. RECORDS OF REPOSITORIES

J. RISK ANALYSIS

K. MONITORING AND CONTROL

L. PUBLIC INFORMATION AND RELATIONS

2. RETRIEVABLE SURFACE STORAGE FACILITIES

3. WASTE MANAGEMENT RESEARCH AND DEVELOPMENT



- A. SOLIDIFICATION OF HIGH-LEVEL WASTE
  - B. TREATMENT AND PACKAGING OF INTERMEDIATE AND  
LOW-LEVEL WASTE
  - C. INCINERATION AND INCORPORATION IN BITUMEN
  - D. PROCESSES FOR REMOVAL AND STORAGE OF NOBLE  
GASES AND TRITIUM IN WASTE STREAMS.
  - E. DEVELOPMENT OF CRITERIA FOR HANDLING AND  
STORAGE OF ALL CLASSES OF RADIOACTIVE WASTE
  - F. FEASIBILITY, SAFETY AND ECONOMIC ANALYSIS FOR  
ALTERNATIVE LONG-TERM WASTE MANAGEMENT METHODS  
ADOPTED OR UNDER CONSIDERATION
  - G. PROCESSES AND METHODS FOR THE  
PARTITIONING OF HIGH-LEVEL WASTE AND FOR THE  
EXTRACTION OF SELECTED NUCLIDES
4. WASTE FROM DECOMMISSIONING OF NUCLEAR INSTALLATIONS
5. OPERATING ASPECTS OF STORAGE OR DISPOSAL OF LOW-  
AND INTERMEDIATE-LEVEL WASTES
- A. METHODS OF MINIMIZING INITIAL GENERATION
  - B. CURRENT EFFORTS ON VOLUME REDUCTION, SUCH AS  
INCINERATION AND COMPACTION
  - C. CURRENT METHODS AND LIMITATIONS FOR PACKAGING,  
HANDLING AND STORAGE/DISPOSAL, INCLUDING EXISTING

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CRITERIA

D. CURRENTLY IDENTIFIED CATEGORIES REQUIRING  
SPECIAL OR UNIQUE HANDLING

6. TRANSPORTATION OF RADIOACTIVE WASTE
  - A. DEVELOPMENT OF A TRANSPORTATION HANDLING AND SHIPPING SYSTEM FOR LOW-LEVEL WASTE
  - B. DESIGN AND APPROVAL OF A HIGH-LEVEL WASTE SHIPPING PACKAGE CONCEPT
  - C. WASTE PACKAGING TECHNOLOGY
  - D. SAFETY EVALUATION TECHNIQUES FOR WASTE PACKAGING AND TRANSPORT SYSTEMS, INCLUDING A QUANTIFICATION OF RISK.

(FOOTNOTE):

INITIALLY, THE FACILITIES INVOLVED IN THIS EXCHANGE ON THE AEC SIDE WILL BE OAK RIDGE NATIONAL LABORATORY (ORNL), LOS ALAMOS SCIENTIFIC LABORATORY (LASL), ARGONNE NATIONAL LABORATORY (ANL), ATLANTIC RICHFIELD HANFORD CO. (ARHCO), BATTELLE MEMORIAL INSTITUTE/PACIFIC NORTHWEST LABORATORY (BNWL) AND NUCLEAR REACTOR TESTING STATION/IDAHO CHEMICAL PROCESSING PLANT (ICPP), AND THOSE ON THE FMRT SIDE WILL BE GESELLSCHAFT FUR KERNFORSCHUNG M.B.H GFK , GESELLSCHAFT FUR STRAHLEN- UND UMWELTFORSCHUNG M.B.H (GSF), KERNFORSCHUNGSANLAGE JUELICH G.M.B.H (KFA) AND HAHN-  
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MEITNER INSTITUT FUR KERNFORSCHUNG G.M.B.H. (HMI).

END TEXT OF AGREEMENT WITH ADDENDUM AND APPENDIX A  
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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** TREATY SIGNATURE, AGREEMENTS, SCIENTIFIC COOPERATION, RADIOACTIVE WASTES  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 12 NOV 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Authority:** n/a  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01 JAN 1960  
**Disposition Event:**  
**Disposition History:** n/a  
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**Document Source:** CORE  
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**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D740325-0609  
**From:** BONN  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1974/newtext/t19741152/aaaabrsv.tel  
**Line Count:** 529  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION AEC  
**Original Classification:** UNCLASSIFIED  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 10  
**Previous Channel Indicators:**  
**Previous Classification:** n/a  
**Previous Handling Restrictions:** n/a  
**Reference:** (A) BONN 16730, (B) STATE 225256  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** boyleja  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 12 FEB 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <01 MAY 2002 by chicheje>; WITHDRAWN <12 FEB 2003 by izenbei0, REFER TO DOE>; RELEASED <12 FEB 2003 by boyleja>; APPROVED <12 FEB 2003 by boyleja>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** US/FRG AGREEMENT FOR COOPERATION IN MANAGEMENT OF RADIOACTIVE WASTES  
**TAGS:** TECH, GE  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005